

**REMARKS/ARGUMENTS**

**I. STATUS OF THE APPLICATION**

Claims 151, 156, 160, 161, 167-170, 175-181, 183 and 185-210 are presently pending and stand rejected. By way of this response, thirteen (13) claims have been amended and five (5) claims have been cancelled. Applicant respectfully submits that no new matter has been added by way of this amendment. No fees are believed due.

Support for the amendment to Claim 151 can be found at least in paragraphs [0072], [0107], [0108], and [0128], and the Examples.

Support for the amendment to Claim 160 can be found at least in paragraphs [0072] and [0107].

Support for the amendment to Claim 161 can be found at least in paragraphs [0072] and [0128].

Support for the amendment to Claims 167-170 can be found at least in paragraphs [0072], [0107], [0108], and [0128], and the Examples.

Claim 175-177, 180 and 183 have been amended to change claim dependency for which support can be found in the claims.

Support for the amendment to Claim 187 can be found at least in paragraphs [0072], [0107], [0108], and [0128], and the Examples.

**II. THE CLAIMS ARE ENABLED UNDER 35 U.S.C. § 112, FIRST PARAGRAPH, AND THE REJECTION SHOULD BE WITHDRAWN**

The rejection under 35 U.S.C. § 112, first paragraph, of Claims 151-153, 156, 160, 161, 167-170, and 174-210 stands maintained as allegedly failing to comply with the enablement requirement. Without admitting or conceding in any manner that the rejected claims fail to comply with the enablement requirement under 35 U.S.C. § 112, first paragraph, and solely to expedite the prosecution of the present applications, Claims 151 and 187 have been amended to state sodium bicarbonate in an amount of about 0.2 mEq to about 5 mEq per 2 mg of omeprazole.

In view of the present amendments to Claims 151 and 187, Applicants respectfully request withdrawal of the rejection of Claims 151-153, 156, 160, 161, 167-170, and 174-210 under 35 U.S.C. § 112, first paragraph.

### **III. OBVIOUSNESS-TYPE DOUBLE PATENTING**

The claims stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 18-56 of U.S. 6,489,346 or claims 1-51 of U.S. 6,699,885 or the copending claims 24-25, 32-36, 77-88, 90-100, 103-110 of SN 10/641,732 as described in the Office Action. Without admitting or conceding in any manner that the rejected claims are unpatentable over the above-referenced issued or co-pending claims, and solely to expedite the prosecution of the present application, Applicant will consider submitting a terminal disclaimer upon the indication of allowable subject matter.

### **CONCLUSION**

For at least the foregoing reasons, it is respectfully submitted that the pending claims are in condition for allowance. Early and favorable consideration is respectfully requested, and the Examiner is encouraged to contact the undersigned with any questions or to otherwise expedite prosecution. Further, none of Applicant's amendments or cancellations are to be construed as dedicating any such subject matter to the public, and Applicant reserves all rights to pursue any such subject matter in this or a related patent application.

Kindly contact the undersigned with any questions or to otherwise expedite prosecution.

Respectfully submitted,

/Joseph A. Mahoney/

Joseph A. Mahoney

Registration No. 38,956

**CUSTOMER NUMBER 26565**

**MAYER BROWN LLP**

P.O. Box 2828

Chicago, IL 60690-2828

Telephone: (312) 701-8979

Facsimile: (312) 706-9000